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U.S. SECURITIES AND EXCHANGE COMMISSION
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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

U.S. SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

GUY GENTILE,

Defendant.

16 Civ. 1619 (BRM) (JAD)

**DECLARATION OF MATTHEW S. FERGUSON IN SUPPORT OF PLAINTIFF'S
OPPOSITION TO GENTILE'S MOTION FOR CONTEMPT**

I, Matthew S. Ferguson, pursuant to 28 U.S.C. § 1746, under penalty of perjury, do hereby declare as follows:

1. I am employed as a Senior Counsel in the Office of the General Counsel of Plaintiff the United States Securities and Exchange Commission (the "SEC or "Commission"). I submit this Declaration in opposition to Defendant Guy Gentile's motion for contempt. I am fully familiar with the facts and circumstances herein.

2. Attached hereto as **Exhibit A** is a true and correct copy of the Complaint in *SEC v. MintBroker Int'l, Ltd.*, Case No. 21-21079 (S.D. Fla.).

3. Attached hereto as **Exhibit B** is a true and correct copy of the SEC's Motion for Extension of Time to Effectuate Service of Process filed on June 18, 2021, in *SEC v. MintBroker Int'l, Ltd.*, Case No. 21-21079 (S.D. Fla.).

4. Attached hereto as **Exhibit C** is a true and correct copy of the Order on Motion for Extension of Time to Effectuate Service of Process entered by the court on June 21, 2021, in *SEC v. MintBroker Int'l, Ltd.*, Case No. 21-21079 (S.D. Fla.).

5. Attached hereto as **Exhibit D** is a true and correct copy of the Order on Motion for Alternate Service of Process, or, in the Alternative, for a 90-Day Extension of Time to Effectuate Service entered by the court on September 22, 2021, in *SEC v. MintBroker Int'l, Ltd.*, Case No. 21-21079 (S.D. Fla.).

6. Attached hereto as **Exhibit E** is a true and correct copy of the Summons in a Civil Action, Service by Publication entered by the clerk of the court on September 30, 2021, in *SEC v. MintBroker Int'l, Ltd.*, Case No. 21-21079 (S.D. Fla.).

7. Attached hereto as **Exhibit F** is a true and correct copy of Defendant's Motion for Enlargement of Time to Answer or Otherwise Respond to the Complaint filed by Guy Gentile on October 20, 2021, in *SEC v. MintBroker Int'l, Ltd.*, Case No. 21-21079 (S.D. Fla.).

8. Attached hereto as **Exhibit G** is a true and correct copy of the Order on Motion for Enlargement of Time to Answer or Otherwise Response to the Complaint entered by the court on October 20, 2021, in *SEC v. MintBroker Int'l, Ltd.*, Case No. 21-21079 (S.D. Fla.).

9. Attached hereto as **Exhibit H** is a true and correct copy of Defendant Guy Gentile's Memorandum of Law in Support of His Motion to Stay this Action Pending Resolution of His Outstanding Motion for Contempt filed by Gentile on November 8, 2021, in *SEC v. MintBroker Int'l, Ltd.*, Case No. 21-21079 (S.D. Fla.).

10. Attached hereto as **Exhibit I** is a true and correct copy of Plaintiff's Response in Opposition to Defendant Guy Gentile's Motion to Stay this Action filed on November 22, 2021, in *SEC v. MintBroker Int'l, Ltd.*, Case No. 21-21079 (S.D. Fla.).

11. Attached hereto as **Exhibit J** is a true and correct copy of Defendant Guy Gentile's Reply Memorandum of Law in Support of His Motion for a Stay filed on November 29, 2021, in *SEC v. MintBroker Int'l, Ltd.*, Case No. 21-21079 (S.D. Fla.).

12. Attached hereto as **Exhibit K** is a true and correct copy of Defendant Guy Gentile's Memorandum of Law in Support of His Motion to Dismiss the Complaint for Lack of Personal Jurisdiction filed on December 1, 2021, in *SEC v. MintBroker Int'l, Ltd.*, Case No. 21-21079 (S.D. Fla.).

13. Attached hereto as **Exhibit L** is a true and correct copy of the Complaint for Abuse of Process and Declaratory and Injunctive Relief filed on February 8, 2019, in *Guy Gentile v. SEC*, Case No. 19-cv-5155 (D.N.J.).

14. Attached hereto as **Exhibit M** is a true and correct copy of the Opinion entered by the Court on May 14, 2019, in *Guy Gentile v. SEC*, Case No. 19-cv-5155 (D.N.J.).

15. Attached hereto as **Exhibit N** is a true and correct copy of the Order entered by the Court on May 14, 2019, in *Guy Gentile v. SEC*, Case No. 19-cv-5155 (D.N.J.).

Pursuant to 28 U.S.C. § 1746, I declare that the foregoing is true and correct.

DATED: Washington, D.C.
December 6, 2021

/s/ Matthew S. Ferguson
Matthew S. Ferguson

CERTIFICATE OF SERVICE

I hereby certify that I caused the foregoing Declaration of Matthew S. Ferguson in Support of Plaintiff's Opposition to Guy Gentile's Motion for Contempt, executed December 6, 2021, with Exhibits, to be served on Gentile by filing via PACER, with additional email notice to Gentile's counsel, at aford@fordobrien.com and mford@fordobrien.com, this 6th day of December, 2021.

/s/ Matthew S. Ferguson